

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Conner Dane Mitchum,

PLAINTIFF

v.

Correctional Officer Miachel Austin,

DEFENDANT.

Case No. 9:21-cv-02168-TLW

Order

Plaintiff Conner Dane Mitchum (“Plaintiff”), proceeding *pro se*, alleges excessive force and violations of his Fourteenth Amendment Rights. Before the Court is a Motion for Summary Judgment filed by Plaintiff Conner Dane Mitchum (“Plaintiff”) and a Cross Motion for Summary Judgment filed by Defendant Michael Alston.¹ The matter now comes before the Court for review of the Report and Recommendation (Report) filed by the magistrate judge to whom this case was assigned. ECF No. 47. In the R&R, the magistrate judge recommends that Defendant Alston’s Motion for Summary Judgment, ECF No. 34, be granted, that Plaintiff’s Motion for Summary Judgment, ECF No. 27, be denied, and that this action be dismissed. *Id.* at 15. Objections to the Report were due August 9, 2022. Plaintiff did not file any objections to the Report. This matter is now ripe for decision.

The Court is charged with conducting a *de novo* review of any portion of the

¹ Defendant Alston was incorrectly identified as “Miachel Austin” in the Complaint when it was filed. See ECF No. 34-1 at 1. Although both parties now refer to and use the correct spelling of Defendant Alston’s name in their filings, neither party has moved to correct the name. Accordingly, Defendant Alston’s name appears in the caption as it remains on the docket.

Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In the absence of objections to the Report, the Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983).

The Court has carefully reviewed the numerous detailed filings, including the video of the incident, corresponding documentation of the incident, and the facts of record outlined on pages 2-4 of the Report. *Id.* at 2-4.; ECF Nos. 34, 34-1, 34-2, 34-3. The magistrate judge has outlined in detail in the Report the legal, factual, and procedural reasons why Defendant's Motion for Summary Judgment should be granted. After careful review of the Report, and for the reasons stated by the magistrate judge, the Report is **ACCEPTED**. Accordingly, Plaintiff's Motion for Summary Judgment, ECF No. 27, is **DENIED**, and this action is **DISMISSED**.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Senior United States District Judge

August 30, 2022
Columbia, South Carolina